IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2616 of 2005

Between:

M. Penchalaiah, S/o. Gangaiah,
R/o. Vontimitta Village and Mandal, Kadapa District.

..... PETITIONER

AND

1 The District Collector, Kadapa, Kadapa District.
2 The Deputy Director, Ground Water Department, Kadapa, Kadapa District.
3 The Mandal Revenue Officer, Vontimitta, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent herein in interfering with the flushing of the existing bore-wells situated in Sy.No. 363/2, Vontimitta Village and Mandal, Kadapa District as illegal, arbitrary and contrary to the provisions of WALTA Act and further contrary to the rights guaranteed under Article 21 and 300-A of the Constitution of India.

Counsel for the Petitioner:MR.V.MALLIK

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court at the stage of admission made the following :

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ORDER:

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This writ petition is filed aggrieved by the alleged inaction on the part of the respondents in permitting the petitioner for flushing of his existing bore well situated in S.No.363/2 of Vontimitta village, Kadapa District.

The petitioner's case is that on the basis of the representation dated 20-1-2005 requesting permission for flushing out his borewells situated in his agricultural lands, the 3rd respondent – Mandal Revenue Officer called for a report from the 2nd respondent. In pursuance thereof, the second respondent-Deputy Director of Ground Water Department, Kadapa, by letter dated 03.02.2005, has recommended that the bore well in S.No.363/2 of Vontimitta Village requires to be flushed to a depth of 60 meters and if it is not possible, the bore well may be flushed to a depth of 115 meters, provided that the wells are registered. The petitioner alleges that in spite of the said recommendation, the third respondent is not allowing him to flush out the existing borewell situated in Sy.No.363/2 which has seriously hampered his agricultural operations. Hence, this writ petition.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents and in the light of the letter of the Deputy Director, Ground Water Department dated 03.02.2005 a copy of which has been placed before this Court, without expressing any opinion on merits, the writ petition is disposed of with a direction to the respondents 1 and 3 to consider the request of the petitioner for grant of permission to flush out the borewell existing in Sy.No.363/2 and to pass appropriate orders in accordance with law on the basis of

the recommendation made by the second respondent, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of this order. No costs.

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16.02.2005

Note : Furnish C.C., in two days.

(B/O)

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To

1 The District Collector, Kadapa, Kadapa District.
2 The Deputy Director, Ground Water Department, Kadapa, Kadapa District.
3 The Mandal Revenue Officer, Vontimitta, Kadapa District.

4 Two C.Cs to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT).

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